IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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) Case No. 3:16-cv-0026
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NOTICE OF INTENTION TO STAND ON SECOND AMENDED COMPLAINT & AMENDED NOTICE OF APPEAL

Notice is hereby given that Plaintiffs Brian A. Davis and Fredricka K. Beckford intend to stand on their Second Amended Complaint, (ECF No. 62), which Plaintiffs respectfully submit was sufficient, as filed, to state a claim upon which relief can be granted as to each count.

Plaintiffs hereby clearly and unequivocally state their intention to decline amendment and immediately appeal the Court's Opinion and Order entered October 25, 2021 (ECF No. 106). *See Oakwood Laboratories LLC v. Thanoo*, 999 F.3d 892, 903, n. 9 (3d Cir. 2021). Plaintiffs hereby amend their Notice of Appeal filed on November 19, 2021, (ECF No. 107), to include this statement of clear and unequivocal intention to stand on the Second Amended Complaint.

Dated: November 22, 2021 Respectfully submitted,

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Case 3:16-cv-00026-KRG Document 109 Filed 11/22/21 Page 2 of 2

CERTIFICATE OF SERVICE

I hereby certified that on this 22nd day of November, 2021, I caused a true and correct

copy of the foregoing NOTICE OF INTENTION TO STAND ON SECOND AMENDED

COMPLAINT & AMENDED NOTICE OF APPEAL to be served on all through their

attorneys of record via the Case Management/Electronic Case Files (CM/ECF) system.

/s/ Danielle Bruno McDermott

Danielle Bruno McDermott (Pa. ID 324539)